

From: King, Gary
To: Cole, Connie
Subject: RE: Treatment Reference - call from Fredrick
Date: Friday, June 01, 2012 1:54:41 PM

Connie,

It seems to me that we have reached (probably passed) the point where intelligent reflection and analysis on the provisions of RCRA will do any good. It is not an issue of who is right and who is wrong, but who is the boss, the man the head honcho. Region 10 is claiming that role regardless of what the MOA says. I just think that the most prudent course of action is a planned delay on issuance of the permit.

G. King

From: Cole, Connie
Sent: Friday, June 01, 2012 1:52 PM
To: King, Gary
Subject: FW: Treatment Reference - call from Fredrick

Gary, Fredrick called this morning with some thoughts relative to "treatment" vs. post closure permits. He has drafted a memo to his management which he will share with us if approved. His assertion is that there is a 2 step process in RCRA to meet the definition of treatment and that the light bulb doesn't meet the definition. He has provided his reference, attached.

The second item on his list was a discussion of 40 CFR 271.19, that discusses EPA potentially "overfiling" the state's approval of the RCRA permit. EPA could choose to terminate the existing permit to force Lockheed Martin to file a treatment permit instead of a post closure permit. Taken to its ultimate extreme, this action could risk the state's authorization of the RCRA program.

Just some more grist for our discussion on Monday. Here's hoping that when Rick Albright and Wendy Wiles discuss the situation, that cooler heads will prevail. A light bulb, for heaven's sake!
Connie

From: MOORE Fredrick [<mailto:MOORE.Fredrick@deq.state.or.us>]
Sent: Friday, June 01, 2012 12:30 PM
To: Cole, Connie
Subject: Treatment Reference

Hi Connie,

Attached is the reference I spoke to you about. I highlighted the sentence which struck me.

I am making the case to my colleagues that per this definition the hazardous waste is not changing. The activities does not erase the K088 listing and the same constituents are in the leachate before and after the activities.

I further make the case that under ambient conditions, there is already air in the landfill

and heat in the RCRA shack. All we are doing is adding more to what there is, therefore not initiating new treatment, but accelerating the rate of the reaction. Much like a chemical catalyst is not part of the chemical equation, just changes the rate. I think as an authorized program we can make this decision here and if the treatment issue goes away, permitting is back on track.

However, part of the EPA assertion is that with the CO₂ treatment was when the unit became a treatment unit in 2005 and from there it couldn't go back to being a landfill. With this, I have to hope DEQ decides that this is past history, the CO₂ is gone, and defacto has closed so it's a landfill.

All for now, Fredrick

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